

ing this legislation, that it is the intent of said Legislature that no provision of this Act shall in any manner affect, alter, diminish or amend any provision of anti-trust and/or monopoly Statutes of this State, or in any manner authorize a violation of such anti-trust and/or monopoly Statutes. It is further especially provided that if any provision of this Act shall be so construed by any court of this State as to in any manner affect, alter, diminish or modify any provision of anti-trust and/or monopoly Statutes of this State, then in that event, any such Section, sub-section, sentence or clause or any provision of this Act so construed, if conflicting with said monopoly and/or anti-trust Statutes, is hereby declared null and void rather than the anti-trust and/or monopoly Statutes of this State.

Sec. 11. If any section or provision of this Act should be declared unconstitutional or invalid for any reason, it shall not affect any other provision or portion of this Act, and the same shall remain in full force and effect.

Sec. 12. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 13. The importance of this Act and the fact that there is no law regulating the production and distribution of fluid milk and sweet cream, and the necessity for protecting and safeguarding the health of the people of this State in the regulated production of sanitary milk, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTY-FIFTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
May 24, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Introduced.

By unanimous consent, the rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Small:

S. B. No. 568, A bill to be entitled "An Act amending Subdivision 31 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 6, Acts of the Regular Session of the Forty-first Legislature; providing for changing and prescribing times of holding court in the 31st Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 569, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-1934 and 1934-1935, to be paid out of interest earned on the daily balances of 'paying fund of the board of county and district road indebtedness,' and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 570, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treas-

urer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, up to August 31, 1933, to be paid out of interest earned on the daily balances of 'paying fund of the board of county and district road indebtedness,' and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodward:

S. B. No. 571, A bill to be entitled "An Act to amend Articles 1257 and 1259 of the Revised Civil Statutes of 1925, relating to abolition of corporate existence of cities and towns, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

S. C. R. No. 77.

Senator Hornsby sent up the following resolution:

Whereas, The Legislature of this State in the general appropriation Act for State departments, Chapter 286, Acts Regular Session Forty-second Legislature, as amended by Chapter 8, Second Called Session Forty-second Legislature, appropriated the sum of forty thousand (\$40,000.00) dollars for each of the fiscal years beginning September 1, 1931, and September 1, 1932, respectively, to the State Auditor's office to be expended by the State Auditor upon the approval of the Governor in auditing the oil and gas royalties that have accrued and were and are accruing to the permanent school fund, the permanent University fund and to other funds of the State; and

Whereas, The State Auditor's office has expended its regular appropriations for general maintenance and salaries in large part upon the special audit of judiciary deficiency accounts, as required by Acts 1931, Chapter 108, General Laws of the Regular Session of the Forty-second Legislature; and upon the compilation of the report on taxes and indebtedness of local units of government in Texas as required by Acts 1931, Chapter 279, General Laws of the Regular Session of the Forty-second Legislature, so that now these

appropriations are practically exhausted; and

Whereas, It is the sense of this Legislature that provision should be made for the continuance of the audits and investigations now under way and uncompleted by the State Auditor's office; and

Whereas, Such audits and investigations can be continued by a transfer of Five Thousand Five Hundred (\$5,500.00) Dollars out of funds already appropriated from the General Revenue Fund as hereinbefore stated; Now Therefore, Be It

Resolved by the Senate, the House concurring, That said sum of Five Thousand Five Hundred (\$5,500.00) Dollars be and the same is hereby transferred from the appropriation for the audit of oil royalties to the State Auditor's office for salaries and general maintenance of said office as herein authorized.

HORNSBY.

Read and referred to Committee on Finance.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 429.	H. B. No. 938.
H. B. No. 475.	H. C. R. No. 95
H. B. No. 903.	H. C. R. No. 66.
H. B. No. 937.	H. B. No. 895.

House Bill Referred.

H. B. No. 43 referred to Committee on Judicial Districts.

S. C. R. No. 53.

The Chair laid before the Senate: S. C. R. No. 53, Granting Ben Martin permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

H. C. R. No. 87.

Senator Blackert received unanimous consent to consider, without its being referred to a committee:

H. C. R. No. 87, Granting C. W. Franks permission to sue the State. Read and adopted.

Senator DeBerry asked to be recorded as voting "No."

Senate Bill No. 283 Re-committed.

On motion of Senator Small, S. B. No. 283 was re-committed to the Committee on Insurance.

Senator Excused.

Senator Cousins was excused for yesterday and the balance of the week, on account of illness in his family, on motion of Senator Redditt.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 832, A bill to be entitled "An Act creating the Texas Athletic Commission, which shall have sole jurisdiction over all ring exhibitions in the State, said Commission to consist of three members, appointed by the Governor, and fixing the terms of office at two years, providing the method of filling vacancies; providing for the maintenance of an office, the selection of a chairman and a secretary, and the number that shall constitute a quorum; fixing the yearly salaries, and from what funds such salaries shall be paid; providing for the appointment of a secretary to the Commission, prescribing his duties, and fixing his salary; fixing the time for the first meeting and organization of the Commission, the adoption of a seal for the Commission, etc., and declaring an emergency."

H. B. No. 950, A bill to be entitled "An Act prohibiting certain practices in the production of oil and gas within this State; defining the terms 'person,' 'governmental agent,' 'governmental agency' and 'oil property'; providing for the accurate measurement and accurate recording daily by all producers of oil and gas of the amount of daily production before relinquishing possession or control thereof by the producer; prohibiting the use of any method or device to evade or prevent accurate measurement; prohibiting the

removing of oil from the possession or control of producer except from tank or tanks under his control; providing for access by governmental agency at all times for inspection and examination of all oil properties and likewise providing for access by governmental agency for inspection, examination and audit of the record pertaining to oil properties; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 950, referred to Committee on Criminal Jurisprudence.

H. B. No. 832, referred to Committee on State Affairs.

Senate Bill No. 174.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senator Martin:

S. B. No. 174, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 5-a, 8 and 10, of Article 8307 (Part II.) of the Revised Civil Statutes of Texas of 1925; and further amending Section 1 by adding thereto Sections 1-a and 1-b; and further amending Section 4 by adding thereto Section 4-b; and further amending Article 8307 by adding thereto certain new Sections immediately following Section 12 of said article, to be known as Sections 13, 14, 15, 16, 17, 18 and 19; and amending Articles 8306, 8307, 8308 and 8309 of the Revised Civil Statutes of Texas of 1925 by substituting for the words 'Board' and 'Industrial Accident Board' the words 'Commission' and 'Industrial Accident Commission;' providing that the Industrial Accident Board as created under the provisions of Article 8307 of the Revised Civil Statutes of Texas of 1925, shall hereafter be known as the Industrial Accident Commission and providing that said Commission shall consist of three members, and providing for their term of office, and providing that the present members of the Industrial Accident Board or Commission shall continue in office as members of the new Industrial Accident Commission until the expiration of their

respective terms of appointment, and providing for the appointment of three Deputy Commissioners, their terms of office and their duties, and providing that each member of the Commission and each Deputy Commissioner shall devote all of his time to the duties of his office, etc., and declaring an emergency."

Read second time.

The committee substitute was adopted.

Senator Rawlings sent up the following amendment:

Amend Senate Bill No. 174 by adding a new section thereto to be known as Section 19, and re-numbering other sections accordingly, said section to read as follows:

"Amend Article 8306-a, Section 1, of the Revised Civil Statutes of 1925, so as to hereafter read as follows:

"In all cases when the payments of weekly compensation due an injured employee or beneficiary coming within the provisions of the Workmen's Compensation Act are accelerated by increasing the amount of compensation by correspondingly decreasing the number of weeks for which the same is to be paid, and when the liability of the insurance company is redeemed by the payment of a lump sum, by agreement of parties interested, or as a result of an order made by the Industrial Accident Board or a judgment rendered by a court of competent jurisdiction, and when advanced payments of compensation are made, and in all cases when compensation is paid before becoming due, discount shall be allowed for present payment at three per cent (3%) compounded annually.

"Provided, however, future installments of compensation payable to alien beneficiaries, not resident of the United States, may be commuted and paid according to the terms and provisions of Section 17, Article 8306 of the Revised Civil Statutes of 1925."

RAWLINGS.

The amendment was read.

Senator Martin moved to table the amendment. The motion to table prevailed by the following vote:

Yeas—13.

Beck.	Hornsby.
Blackert.	Martin.
Fellbaum.	Murphy.

Neal.	Woodruff.
Pace.	Woodul.
Sanderford.	Woodward.
Stone.	

Nays—11.

Collie.	Poage.
DeBerry.	Small.
Greer.	Rawlings.
Holbrook.	Regan.
Hopkins.	Small.
Parr.	

Absent.

Duggan.	Patton.
Moore.	Redditt.
Oneal.	Russek.

Absent—Excused.

Cousins.

Senator Rawlings sent up the following amendment:

Amend Senate Bill No. 174 by adding a new Section thereto to be known as Section 19, and re-numbering other sections accordingly, said section to read as follows:

"Amend Article 8306a, Section 1 of the Revised Civil Statutes of 1925, so as to hereafter read as follows:

"In all cases when the payments of weekly compensation due an injured employee or beneficiary coming within the provisions of the Workmen's Compensation Act are accelerated by increasing the amount of compensation by correspondingly decreasing the number of weeks of which the same is to be paid, and when the liability of the insurance company is redeemed by the payment of a lump sum, by agreement of parties interested, or as a result of an order made by the Industrial Accident Board or a judgment rendered by a court of competent jurisdiction, and when advanced payments of compensation are made, and in all cases when compensation is paid before becoming due, discount shall be allowed for present payment at four per cent (4%) compounded annually.

"Provided, however, future installments of compensation payable to alien beneficiaries, not resident of the United States, may be commuted and paid according to the terms and provisions of Section 17, Article 8306 of the Revised Civil Statutes of 1925."

RAWLINGS.

The amendment was read.

Senator Martin raised the point of order that the same amendment had just been tabled.

The Chair, Senator Poage, overruled the point of order, holding that the present amendment provided four per cent whereas the former amendment provided three per cent.

The amendment was adopted.

The bill failed to pass to engrossment by the following vote:

Yeas—12.

Beck.	Pace.
Fellbaum.	Parr.
Martin.	Patton.
Murphy.	Regan.
Neal.	Sanderford.
Oneal.	Woodul.

Nays—13.

Blackert.	Moore.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Small.
Holbrook.	Woodward.
Hornsby.	

Present—Not Voting.

Russek.

Absent.

Hopkins.	Stone.
Redditt.	Woodruff.

Absent—Excused.

Cousins.

Senator Purl moved to reconsider the vote by which the bill failed to pass to engrossment and spread the motion on the Journal.

On motion of Senator Martin, Senate Bills Nos. 175 and 176 were laid on the table subject to call, pending final disposition of S. B. No. 174.

House Bill No. 950.

The Chair laid before the Senate by unanimous consent, the following bill:

H. B. No. 950, A bill to be entitled "An Act prohibiting certain practices in the production of oil and gas within this State; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 950 was put on its second reading by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Greer.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hopkins.	Woodruff.
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Absent—Excused.

Cousins.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 950 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hopkins.	Woodruff.
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Absent—Excused.

Cousins

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hopkins. Woodruff.

Absent—Excused.

Cousins.

Senate Bill No. 567.

The Chair laid before the Senate
on its second reading by unanimous
consent the following bill:

By Senator Oneal:

S. B. No. 567, A bill to be entitled
"An Act reorganizing and changing
the terms of court for the Thirtieth
Judicial District by amending Sub-
division 30 of Article 199, Revised
Civil Statutes of 1925; validating
service and process, and declaring an
emergency."

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The bill was read second time and
passed to engrossment.

On motion of Senator Oneal, the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 567 was put
on its third reading and final pas-
sage by the following vote:

Yeas—30.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 338.

The Chair laid before the Senate
on its second reading, as special or-
der, the following bill:

By Senator Moore:

S. B. No. 338, A bill to be entitled
"An Act amending Article 6205, Re-
vised Civil Statutes of 1925, as
amended by Chapter 153, General
and Special Laws of the Forty-first
Legislature, and as further
amended by Chapter 82, General
Laws of the Fifth Called Session of
the Forty-first Legislature, and
amending Article 6221, Revised Civil
Statutes of 1925, as amended by
Chapter 5, General Laws of the Sec-
ond Called Session of the Forty-first
Legislature, and as further amended
by Chapter 82, General Laws of the
Fifth Called Session of the Forty-
first Legislature, and declaring an
emergency."

Read second time.

Senator Moore sent up the follow-
ing amendments:

Amend S. B. No. 338 by striking
out all below the enacting clause and
insert in lieu thereof the following:

Section 1. That Article 6205,

Title 109, Revised Civil Statutes of 1925, as amended by Acts 1931, Forty-second Legislature, page 434, Chapter 262, Section 2, be and the same is hereby amended so as to hereafter read as follows:

"Article 6205. Out of the pension fund to be created and maintained under the provisions of Article 6204 as amended, there shall be paid on the first day of each calendar month a pension in the amount provided for in Article 6221 as amended, to every indigent Confederate soldier or sailor whose application has heretofore been approved; and also those who came to Texas prior to January 1, 1921, and whose application shall hereafter be approved; and to their widows if they be in indigent circumstances, and whose applications have heretofore been approved and also those who have been bona fide residents of this State since January 1, 1921, and whose application shall hereafter be approved and who were married to such soldiers or sailors prior to January 1, 1915, and who lived with such soldier or sailor continuously in Texas for one year prior to January 1, 1885, and prior to the death of such sailor or soldier and to soldiers who, under the Special Laws of the State of Texas during the war between the States, served in organizations for the protection of the frontier against Indian raiders and Mexican marauders, and to soldiers of the militia of the State of Texas who were in active service during the war between the States, and to soldiers of the militia of any other Confederate State who were in active service during the war and who came to Texas at least ten (10) years prior to the approval hereafter of his application for a pension; and to soldiers appointed to official or other service in the State of Texas requiring the carrying of arms during the war between the States, and to all soldiers and sailors in indigent circumstances and widows of all soldiers and sailors in indigent circumstances eligible to be placed upon the pension roll and participate in the distribution of the Pension Fund of this State under any existing law or laws hereafter enacted; providing that no widow born since January 1, 1865, shall be entitled to a widow's pension; a widow entitled to a pension under this Act but who remarries a man other than a Con-

federate soldier or sailor shall not be entitled to a pension but shall not be barred from receiving a pension in the event she should be left a widow in indigent circumstances after such remarriage so long as she remains a widow."

Sec. 2. That Article 6208, Title 109, Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, Regular Session, page 434, Chapter 262, Section 5, be, and the same is hereby amended so as to hereafter read as follows:

"Article 6208. Application Requirements. Persons entitled to a pension under this title shall make application for same in writing and under oath to the county judge of his or her county. Such application shall state the name, age, residence of the applicant, and occupation, if any, his or her physical condition, and every fact necessary to entitle the applicant to the pension. If the applicant is such a soldier or sailor as is prescribed herein, he shall state in his application the company and regiment in which he was enlisted; if he served in an organization for the protection of the frontier against Indian raiders or Mexican marauders, he shall name and identify such organization; if he were an officer commissioned by the President of the Confederate States or by the Governor, or other proper authority of this State, in the army, navy, militia or frontier organization, he shall state the date of his commission and his rank therein; and if detailed directly under the provisions of the conscript law for duty in the armories or shops of the Confederate Government or for any other labor necessary for the maintenance of the army in the field, or if he served in the Confederate Navy, he shall state the time of service in each case. Each applicant shall state in his application what property and income he possesses, and furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties as claimed by him. If he cannot secure the testimony of two witnesses, he may furnish documents or other evidence of his service. Provided that where the applicant was born prior to 1851 he may make his proof by submitting to the county judge an affidavit stating his name, age, residence, occupation,

if any, his or her physical condition, what property and income he or she possesses, together with every fact necessary to entitle him to a pension. Such affidavit when executed shall be accompanied by a sworn statement of at least two (2) credible witnesses who have known the applicant for a period of not less than ten (10) years and who are in no way related to or interested in the financial welfare of such applicant, and that the applicant is a credible person, and that they believe the statements entitling him to a pension are true and correct."

Sec. 3. That Article 6214, Title 109, Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, Regular Session, page 146, Chapter 95, Section 1, and as repealed by Acts 1930, Forty-first Legislature, Fifth Called Session, page 251, Chapter 82, Section 5, be and the same is hereby re-enacted into the Revised Civil Statutes of the State of Texas, and it shall hereafter read as follows:

"Article 6214. What Constitutes Indigency. To constitute indigency within the meaning of this title, neither the applicant, nor his wife, if married, nor both together, nor the widow, if the applicant be a widow, shall own property, real or personal, exceeding in value one thousand dollars, exclusive of homestead, and if its assessed value be not in excess of two thousand dollars, and exclusive of household goods and wearing apparel, and such applicant shall not have an income, annuity, or emoluments of office or wages for services in excess of three hundred dollars per year, nor in receipt of aid or of a pension from any State of the United States. Only the indigent under the foregoing definition, shall be entitled to a pension under this title. Provided, that the Comptroller of Public Accounts shall be required to make a careful investigation in the case of each pensioner now on the roll and of each applicant for a pension to determine whether or not the pensioner or the applicant is in reality indigent under the foregoing definition."

Sec. 4. That Article 6216 of the Revised Civil Statutes of the State of Texas, 1925, as repealed by Acts 1930, Forty-first Legislature, Regular Session, Fifth Called Session, page 251, Chapter 82, Section 5, be

and the same is hereby re-enacted so as to hereafter read as follows:

"Article 6216. Proof in Case of Disability. If the pensioner on account of old age, infirmity, or physical disability, shall make a statement in writing in the presence of two credible witnesses, who have known the applicant for a period of not less than ten (10) years and who are in no way related to or interested in the financial welfare of such applicant, it shall be sufficient for one of such witnesses, in whose presence the statement was made, to make affidavit stating that said statement was made and signed in his or her presence and that the statements contained therein are within the knowledge of affiant, true and correct, and when such affidavit has been made by such proven person and approved by the Comptroller, he shall draw his warrant for the amount of such pension in the same manner as if the oath had been made by the pensioner."

Sec. 5. That Article 6226, Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1930, Forty-first Legislature, Fifth Called Session, page 251, Chapter 82, Section 4, be and the same is hereby amended so as to hereafter read as follows:

"Article 6226. Shall Strike From Roll. When it comes to the knowledge of the Comptroller that any person has been granted a pension through fraud or perjury, or that anyone on the pension roll has acquired property or annuity, emolument or favor of the heirs or legal representatives of the deceased person had such conditions existed at the date of said application, he shall strike the name of such person from the pension roll."

Sec. 6. All laws or parts of laws in conflict with any of the provisions of this Act be and the same are hereby in all things repealed.

Sec. 7. The fact that under the existing law the State is paying out many thousands of dollars to individuals who are in no need of financial support, and the fact that at the present time there exists an enormous deficit in the Confederate Pension Fund, making it necessary that the administration of such funds be placed upon a more economical basis so that the more needy may be cared for, creates an emergency and an imperative public

necessity demanding that the constitutional rule requiring bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its final passage, and it is so enacted.

MOORE.

Read and adopted.

Amend S. B. No. 338 by striking out all above the enacting clause and insert in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Articles 6205, 6208, 6226 and re-enacting Articles 6214 and 6216 providing for the payment of pensions to Confederate soldiers and sailors and their widows; providing for the payment of such pensions to indigent Confederate soldiers or sailors and indigent widows of Confederate soldiers or sailors who have been bona fide residents of this State since January 1, 1921, and who were married to such Confederate soldiers or sailors prior to January 1, 1915, and who lived with such Confederate soldier or sailor continuously in this State for one year prior to January 1, 1885, and immediately prior to the death of such soldier or sailor; and providing that no widow born since January 1, 1865, shall be entitled to a widow's pension; providing further, that a widow entitled to a pension under this Act, but who remarried a man other than such Confederate soldier or sailor shall not be entitled to a pension, but shall not be barred from receiving a pension under certain circumstances; establishing certain application requirements and defining indigency; setting out certain proof and case of disability; making a provision for striking from the rolls the name of any person who has been granted a pension through fraud or perjury, or who has acquired property or annuity, emolument or favor; repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

MOORE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 338 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Purl.

Absent—Excused.

Cousins.

Senate Bill No. 163.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

By Senator DeBerry:

S. B. No. 163, A bill to be entitled "An Act to amend Article 2700, Chapter 11, Title 49, of the Revised Civil Statutes of the State of Texas,

1925, relating to the salaries of county superintendents, decreasing the salaries of said county superintendents, providing for office and traveling expenses, providing for the appointment of an assistant for the county superintendent; defining the purpose of the Act and repealing all laws in conflict herewith; and declaring an emergency."

Read second time.

Committee Amendment No. 1 was read and adopted.

Committee Amendment No. 2 was read.

Senator DeBerry sent up the following substitute for Committee Amendment No. 2:

Amend Senate Bill No. 163 by substituting the following for Committee Amendment No. 2:

Population	Salary
3000 or less	\$ 1440.00
3001 to 4000	1620.00
4001 to 5000	1710.00
5001 to 6000	1800.00
6001 to 7000	1980.00
7001 to 8000	2160.00
8001 to 9000	2250.00
9001 to 10,000	2340.00
10,001 or over	2520.00

DeBERRY.

The substitute was read and lost by the following vote:

Yeas—6.

Blackert.	Murphy.
DeBerry.	Oneal.
Hornsby.	Poage.

Nays—20.

Collie.	Patton.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Moore.	Small.
Neal.	Stone.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Beck.	Rawlings.
Martin.	Woodruff.

Absent—Excused.

Cousins.

Senator Fellbaum sent up the following amendment to Committee Amendment No. 2:

Amend Committee Amendment No. 2 to Senate Bill No. 163 by striking out the last line of the salary schedule as shown in Section 1, Committee Amendment No. 2, and inserting in lieu thereof, the following:

10,001 to 15,000	\$2,660.00
and by adding the following to the salary schedule:	
15,001 to 25,000	\$3,000.00
25,001 to 40,000	3,400.00
40,000 or more	3,880.00

FELLBAUM.

The amendment to the amendment was read.

Senator DeBerry moved to table the amendment to the amendment. The motion was lost by the following vote:

Yeas—12.

Beck.	Hornsby.
Blackert.	Moore.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Sanderford.
Greer.	Woodward.

Nays—16.

Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Murphy.	Regan.
Neal.	Russek.
Pace.	Small.
Parr.	Stone.
Patton.	Woodul.

Absent.

Martin.	Woodruff.
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Absent—Excused.

Cousins.

Recess.

On motion of Senator Woodward, the Senate, at 12:07 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

Senate Bill No. 569.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 569, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-1934 and 1934-1935, to be paid out of interest earned on the daily balances of 'Paying Fund of the Board of County and District Road Indebtedness,' and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 569 was put on its second reading by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 569 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	DeBerry.

Duggan.
Fellbaum.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.

Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 570.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 570, A bill to be entitled "An Act making an appropriation for the purpose of providing certain expenses for certain purposes; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 570 was put on its second reading by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 570 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.
Hopkins.	Patton.

Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 467.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Hornsby:

S. B. No. 467, A bill to be entitled "An Act to amend Acts 1931, Forty-second Legislature, Regular Session, page 353, Chapter 210, Section B, relating to the establishment of cemeteries, mausoleums or crematories, so as to provide for the establishment of such cemeteries, mausoleums, or crematories within one mile of the city limits of an incorporated city or town under certain restrictions; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 467 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Purl.

Absent—Excused.

Cousins.

Senate Simple Resolution No. 118.

Senator Holbrook sent up the following resolution:

Whereas, It has come to the attention of the Senate that the wife of Senator W. R. Cousins, our co-worker and friend, is seriously ill at her home in Beaumont, Texas, and that she, accompanied by Senator Cousins, is departing in the immediate future for Rochester, Minnesota, for treatment, and

Whereas, Mrs. Cousins has endeared herself to all of us on her visits to the Senate by her gracious friendliness and charm of manner; now, therefore, be it

Resolved by the Senate of Texas, That our best wishes go with Senator and Mrs. Cousins on their journey, and that a copy of this resolution be sent to them as an expression of our hope and trust that she will speedily regain her health and will soon be able to return home to be among the members of her family and her many friends.

HOLBROOK,	MARTIN,
BECK,	MOORE,
BLACKERT,	MURPHY,
COLLIE,	NEAL,
DeBERRY,	ONEAL,
DUGGAN,	PACE,
FELLBAUM,	PARR,
GREER,	PATTON,
HOPKINS,	POAGE,
HORNSBY,	PURL,

RAWLINGS,	STONE,
REDDITT,	WOODRUFF,
REGAN,	WOODUL,
RUSSEK,	WOODWARD,
SANDERFORD,	LT. GOV. WITT
SMALL,	

Read and adopted unanimously.

Free Conference Committee Report.

Senator Greer sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two houses on

H. B. No. 256, A bill making an appropriation for the next two (2) fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto, authorizing aid to such schools, etc., and declaring an emergency.

Having considered the differences between the two houses and having reached an agreement, beg leave to report that the hereto attached completed bill is the bill which we recommend to be passed by both houses.

We recommend the adoption of this report and the final passage by both houses of the attached bill.

GREER,
SANDERFORD,
DUGGAN,
PACE,

On part of the Senate.

HARMAN,
BUTLER,
RIDDLE,
SULLIVANT,

On part of the House.

H. B. No. 256.

A BILL

To Be Entitled

An Act appropriating three and one-half million (\$3,500,000.00) dollars per year, or so much thereof

as may be necessary, for the next two (2) fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, of the General Laws of the Fortieth Legislature, Regular Session, as amended by S. B. No. 10, passed at the First Called Session of the Forty-first Legislature and further amended by S. B. No. 41, Chapter 20, passed at the First Called Session of the Forty-second Legislature; providing for the payment of transportation aid under certain conditions; providing for penalties for violation of any of the provisions of this Act; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all moneys granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. (Appropriation). For the purpose of promoting public

school interest of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the General Revenue, three and one-half million (\$3,500,000.00) dollars or so much thereof as may be necessary for the school year ending August 31, 1934, and three and one-half million (\$3,500,000.00) dollars or so much thereof as may be necessary for the school year ending August 31, 1935, to be allotted and expended in accordance with the provisions of this Act; provided, that any unexpended balance occurring at the close of the year 1934, may be transferred and added to the appropriation for the year ending August 31, 1935.

Sec. 2. (Scholastic Population of District). State aid under the provisions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty (20) scholastics and not more than four hundred (400) scholastics located in districts of not more than five hundred (500) scholastics, and consolidated districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated unit, and all districts composed of entire counties having a scholastic population of less than five thousand (5,000); providing the provisions of this section shall not apply to any school district containing forty-eight (48) square miles of territory or more, and further provided that the provisions of this section shall not apply to any school district where sixty (60%) per cent, or more, of its students are transported in public buses from the rural districts.

Sec. 3. (Distance between State Aid Schools.) No aid shall be granted to any school under the provisions of this Act which is located within two and one-half miles of another school of the same race, unless on account of the condition of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated district nor to any district which at

some previous election has voted to remove such conditions by consolidation.

Sec. 4. (Teacher Pupil Load.) State aid under the provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty to thirty-five and one additional teacher for each additional thirty-five scholastics, or fractional part thereof. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the county board of trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

Sec. 5. (Average Daily Attendance.) No school shall be granted aid under the provisions of this Act whose average daily attendance is less than seventy (70%) per cent of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness. Districts where parochial schools are maintained are exempt from the provisions of this Section.

Sec. 6. (Tax Levy.) No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying and collecting for the current year a local school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than fifty cents on the one hundred dollars of property valuation in the entire district or not less than seventy-five cents, inclusive of the tax for interest and sinking fund for bonds; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes; provided that the rate of tax required to be levied in this section shall not apply to transportation aid for counties whose schools are operated under

the county unit system with a single governing board. Any school district that shall reduce its existing tax rate and/or tax rates thereby enabling it to participate under this Act shall not be eligible to receive aid from any of the funds herein provided.

Sec. 7. (Taxable Wealth.) No part of the aid herein provided for teachers salaries shall be given to a school district with an assessed valuation in excess of three thousand dollars (\$3,000.00) per scholastic as shown by the scholastic census, said valuation being assessed as provided heretofore; provided, that this section does not apply to school districts that levy and assess a one dollar tax on the one hundred dollar valuation of taxable property.

Sec. 8. (Salary Schedule.) No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Superintendent of Public Instruction with the approval of the State Board of Education.

Sec. 9. (Standard Schools.) All State Aid schools of the unaffiliated class shall provide a term of approximately eight months. These schools shall be so classified by the county school board as to provide as near as possible an eight months term out of State, county and local funds. Should there not be sufficient funds to maintain the school as herein stated, then State Aid may be granted subject to other provisions of this Act, provided that road conditions would prevent the transportation to nearest accredited high school. It shall be left to the discretion of the supervisor appointed by the State Department of Education to determine whether or not the county school board has properly classified such schools.

Sec. 10. (High School Tuition.) It is hereby expressly provided that a sufficient amount of the funds appropriated by this Act shall be used for the payment of high school tuition not to exceed seven dollars and fifty cents (\$7.50) per pupil per

month. High school tuition shall be paid according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session, as amended by Senate Bill No. 10 passed at the First Called Session of the Forty-first Legislature, and as further amended by Senate Bill No. 41, Chapter 20, passed by the First Called Session of the Forty-second Legislature.

Sec. 11. (Transportation Aid.) The county superintendent and county school board are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts where their grade is not taught to the most convenient accredited high school. The expenses of such transportation shall be paid out of funds hereby provided not to exceed two dollars (\$2.00) per pupil per month. Provided further, that in districts composing an entire county, high school transportation aid as authorized in this section may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school located in the county.

It is further provided that the districts through which these buses travel may make provisions with the county superintendent and county school board to have any other children not provided for herein, transported within and between their respective districts, and said districts may make application for State Aid thereon to an amount not to exceed one dollar (\$1.00) per month per pupil. Provided that where regular buses do not run in sparsely settled sections of counties which are operating under county unit system, the county school board and county superintendent are authorized to make provisions for the transportation of pupils other than high school pupils within said districts, and may make application for State Aid thereon to an amount not to exceed one dollar (\$1.00) per month per pupil. Provided, however, that no part of the funds hereby provided and appropriated for transportation purposes shall be expended for the purpose of transporting any pupil or pupils from one district to school districts containing one hundred or more square miles of territory, said

State Aid for transportation shall be \$2.00 per month per pupil.

Sec. 12. (Penalty Provision.) Any district violating any of the provisions of this Act or any rules or regulations adopted by the State Board of Education shall forfeit all rights to such aid and can be disqualified to receive any aid of any nature under any section of this Act for the current year. Should any school which would otherwise be eligible to receive aid agree, provide or contract with teachers to pay a smaller monthly salary during the remainder of the term following the granting of aid provided out of local funds than is paid out of State funds, then such school shall forfeit its right to receive aid.

Sec. 13. (Industrial Aid.) State aid may be granted to any one school in the district employing three (3) or more teachers which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics, according to a program approved by the State Department of Education, and which shall be employing a teacher or teachers whose qualifications shall be approved by the State Superintendent of Public Instruction provided that the maximum aid to be granted for each of the above courses can not exceed one hundred dollars (\$100.00) per year.

Sec. 14. (Powers of State Board of Education and of State Superintendent of Public Instruction.) It shall be the duty of the State Board of Education, and it is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interests of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint a supervisor to make a thorough investigation in person of the grounds, buildings, equipment, teaching forces, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act and regulations made by the State Board of Education have been complied with, and that such amount of aid is actually needed.

Sec. 15. All schools not having

over four teachers and not having received State aid heretofore may receive ten (\$10.00) dollars per teacher for library books from this fund, if the amount received is duplicated by local funds from any source. Every classroom school applying for this library aid must either have a library room, a library case, or shelves with a locker. The books must be selected from the library bulletins prepared by the State Department of Education and a list of the books purchased must be filed with the county superintendent. The money raised by the school applying for this aid must be deposited in a bank or vouched for by the county superintendent. Schools may qualify for this aid each year during the biennium. There shall be no local tax requirement for library aid.

Sec. 16. (Application for Aid.) The trustees of schools authorized in Section 2 of this Act may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with the State and county available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months and approximately eight (8) months; provided, that if the school has sufficient State and county available funds to maintain the school for an eight (8) months term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired term, not to exceed nine (9) months, as provided in Section 2, it shall not be eligible to receive State aid; provided further, that the county superintendent shall approve all contracts with teachers, supervising officers and bus drivers in all schools before such schools may be eligible to receive State aid under any provisions of this Act.

Sec. 17. (Equalization Fund.) Any county in this State that has a special equalization fund derived from State and county available

funds and which contributes to the said funds for the benefit of its rural schools out of its own funds as much as forty thousand (\$40,000.00) dollars per annum, shall receive from the appropriation herein provided, fifteen thousand (\$15,000.00) dollars for each year of the biennium to supplement the equalization fund thereof for all purposes, without inspections being made by the State Department of Education, provided, such counties, in addition to such State aid, may be granted reimbursement for high school tuition.

Sec. 18. (Counties With Less Than 1400 Scholastics.) It is hereby provided that schools in sparsely settled counties having less than fourteen hundred (1400) scholastic population in the common school districts may be exempted from the minimum restrictions of twenty (20) scholastics; provided, that each district applying for aid is levying and collecting the limit of local support as provided in Section 6 of this Act. Provided the State Department of Education may grant aid to schools in sparsely settled districts without regard to the number of scholastics or the duration of the term of each school.

Sec. 19. (Transfer of Entire District.) On the agreement of the board of trustees of the district concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent and the State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event all of the funds of the district, including the State aid to which the district would otherwise be entitled to under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out the said agreement.

Sec. 20. (Disbursement.) Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which State aid is granted in the same manner as warrants for State apportionments are now transmitted, and it shall be the

duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act. It is further provided that any balance recurred to the credit of the Rural Aid Fund herein provided for the year 1933-1934 may be transferred to the appropriation herein provided for the year 1933-1934; also any balance that may recur to the credit of the Rural Aid Fund appropriated for the year 1932-1933 may be transferred to the credit of the appropriation herein provided for the year 1933-1934.

Sec. 21. In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized by this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts.

Sec. 22. (Miscellaneous Provisions.) Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and county available school funds and in all other school funds in the same manner as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State; provided, however, that no school or school district shall be denied rural State aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a majority vote of said State Board of Education.

Sec. 23. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50%) per cent of the total amount allotted to any one school as an initial payment, and that the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any

one year shall not exceed the total appropriation for that year.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the Rural Aid Fund in any amount or in any one year in excess of the amount herein appropriated.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its or their allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

Sec. 24. It shall be unlawful for any county school superintendent, or the superintendent of any common or independent school district, school teacher, county trustee and/or district trustee or any other person directly or indirectly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violations of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Sec. 25. (Repealing and Constitutional Clauses.) All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall, nevertheless, remain in effect.

Sec. 26. (Emergency Clause.) The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 563.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Sanderford:

S. B. No. 563, A bill to be entitled "An Act prohibiting the use of any steel trap or setting of such trap in Bell County, except within two hundred yards of a residence; providing a penalty, repealing conflicting laws and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Sanderford the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 563 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Senate Bill No. 568.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 568, A bill to be entitled "An Act amending Subdivision 31 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 6, Acts of the Regular Session of the Forty-first Legislature; providing for changing and prescribing times of holding court in the 31st Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 568 was put on its second reading by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 568 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.

Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

Cousins.

Free Conference Report.

Senator Parr sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Committee to whom was referred H. B. No. 623,

Have had same under consideration and have agreed upon the attached bill and recommend its passage.

PARR,
BECK,
WOODWARD,
MOORE,
REDDITT,
LEONARD,
GLASS,
TARWATER,
CELAYA,
ENGLEHARD.

On part of the House.

By Leonard. H. B. No. 623.

A BILL

To Be Entitled

An Act declaring it to be the policy of the State to provide for the standardization of citrus fruits as a protection to grower, shipper, carrier, receiver and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the State of Texas; directing and empowering the Commissioner of Agriculture to establish regulations and grades of citrus fruits; providing for the

publication of such rules and regulations and the appeal therefrom; providing that the Commissioner and his agents, inspectors and employees shall be prohibited from engaging in trade in citrus fruits; providing for the mandatory grade of citrus fruits; providing for the notification to the Commissioner or his agents, inspectors or employees as to intent of shipment of citrus fruits; providing that it shall be unlawful to ship any citrus fruits affected by this Act unless proper inspection has been made; providing for the issuance of certificates of inspection and declaring such certificates to be prima facie evidence of the true grade of the citrus fruits at the time of inspection; regulating the re-use of citrus containers; providing fees to be charged for inspection; providing for the establishment of the citrus grading fund into which such fees are to be deposited; defining "deceptive pack" and providing that deceptive pack shall be unlawful; excluding from the provisions of this Act citrus fruits to be graded, packed, stored or converted into by-products within the area affected; providing for the proper labeling of citrus fruits coming within the provisions of this Act and for the registration of grades of citrus fruits; providing the responsibility of carriers under this Act; designating commodities affected by this Act; providing for the weighing of all citrus fruits sold by weight prior to packing by a public weigher; providing penalties for violations of this Act; providing for the validity of the remainder of this Act if any portion hereof be declared unconstitutional; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Statement of Purpose.

Section 1. In order to provide the means whereby producers of certain citrus fruit, and all interested parties, may secure prompt and efficient inspection and classification of grades of fruit at reasonable cost, and because it is hereby recognized

that the standardization of the citrus fruit industry by the proper grading and classifications of citrus fruit by prompt and efficient inspection under competent authority is beneficial alike to grower, shipper, carrier, receiver, and consumer, in that it furnishes the grower and the shipper prima facie evidence of quality and condition of products, it guarantees the carrier and the receiver of quality of products carried and received by them and assures the ultimate consumer of the quality of the products purchased, this Act is passed.

Sec. 2. The inspection in the State of Texas of all grapefruit and oranges, and the grades and classifications thereof, shall be under the direction of the Commissioner of Agriculture, of the State of Texas, hereinafter known as the Commissioner.

Establish Regulations and Grades.

Sec. 3. The Commissioner of Agriculture, of the State of Texas, is hereby empowered and directed to enter into cooperative agreements with the United States Department of Agriculture providing for the inspection of certain citrus fruits and under the terms of said agreements the Commissioner of Agriculture shall adopt the official U. S. Standards for grapefruit and oranges as applied to the State of Texas. The inspection shall be conducted under the policies outlined by the United States Department of Agriculture under said cooperative agreements. The Commissioner is empowered to establish and enforce such grades, grading rules, and regulations in addition to those established by this Act as he may deem necessary on citrus fruit, which shall not conflict with any provisions of this Act, after a thorough investigation has been made of the needs of the particular citrus fruit for which grades, grading rules and regulations are contemplated. The Commissioner shall cause to be published in one publication of general circulation in each county affected by this Act, the rules and regulations promulgated by him under this Act. Such publications shall be once each week for the three weeks prior to September 1st. Grades established in accordance

with provisions of this Act shall not be modified during the current shipping season, of the citrus fruit for which they are established, except as hereinafter provided.

Appeal to Change Regulations.

Sec. 4. The Commissioner is hereby given power and authority, and it is hereby made his duty, to promulgate rules and regulations relating to the grading, packing and marking of certain citrus fruits as set out in this Act, and it is hereby made his duty to enforce same. The Commissioner shall cause this to be published in some newspaper of general circulation in the territory affected by the rules and regulations which he has promulgated. Only in case of protest, hearings shall be conducted at places and at times to be determined by the Commissioner or his agent, after publications of rules and regulations have been promulgated, at which all interested parties will have a right to be heard. After such publication and public hearing, the rules and regulations shall be final, unless written protest by an interested person or parties shall be made to the Commissioner of Agriculture within thirty (30) days after such rules and regulations have been published. If the Commissioner after the hearing of protests refuses to modify such rules and regulations the interested person or parties shall have the right to appeal to the District Court of Travis County.

Power of Regulations.

Sec. 5. The Commissioner is hereby authorized to promulgate such rules and regulations relative to proper marking of containers, the issue of certificates of inspection, the tagging of the vehicle of transportation, and such other rules and regulations as he deems necessary for the improvement of the method of marketing of all citrus fruits as provided for in this Act.

Engaging in Trade Prohibited.

Sec. 6. The Commissioner and his agents, inspectors and employees, are each prohibited, during their respective terms of employment of of-

fice, from engaging in this State, either directly or indirectly, or elsewhere, in the business of buying or selling citrus fruits or in dealing in the same on commission.

Grading Made Mandatory.

Sec. 7. Whenever any grades or classifications and standards for citrus fruit becomes effective under this Act, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell, except as provided in this Act, any such described citrus fruit grown within the State of Texas, to which such grades or classifications and standards are applicable unless such citrus fruits conform with such grades or classifications and standards.

Notice of Time of Shipment.

Sec. 8. It shall be the duty of every person, firm, corporation, association, or other organization affected by this Act to give due and timely notice to the Commissioner, his agents, inspectors and employees as to the time and place of the loading of citrus fruits subject to the provisions of this Act, or to report to the inspection station nearest to the point of loading. The terms "to ship," "shipper," and "shipment" as noted in this Act shall apply to the transportation of citrus fruit by an automobile, truck, trailer, or any other vehicle, as well as the transportation by rail and/or water.

Sec. 9. Whenever grades or classifications become effective under this Act, it shall be unlawful for any person, firm, corporation, association or other organization to ship any citrus fruits to which such grades or classifications are applicable (except as provided in Section 15 hereof), unless such citrus fruits have first been inspected by a duly authorized inspector who shall issue a certificate of inspection showing the grade, or other classification thereof, and unless such fruit be packed in containers approved by the Commissioner of Agriculture and fruit in each container must be uniformly sized.

Issuance of Certificate of Inspection.

Sec. 10. A certificate designating the classifications of the grade or

grades of citrus fruits so subject to compulsory inspection under this Act or other form evidencing that the official inspection has been made shall be issued by the inspector and delivered to the shipper. A certificate so issued under this Act shall be accepted in any court of this State as prima facie evidence of the true grade or classifications of such citrus fruit at the time of inspection.

Re-use of Containers.

Sec. 11. No containers or sub-containers of citrus fruits within the meaning of this Act shall bear grade or other designations that are in any way false or misleading. This provision shall be construed to prohibit the future use of any container or sub-container for citrus fruits bearing any markings required by this Act, or any designations of brands, trade-marks, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced shall first be completely removed, erased or obliterated. All certificates of previous inspections shall be removed, erased, or obliterated.

Inspection Fees.

Sec. 12. The Commissioner is hereby authorized and empowered to fix and assess, and collect and cause to be collected fees for the inspection and classification of grades of citrus fruits subject to the provisions of this Act and the issuance of certificate of such classifications of grades. The amount of such fees on each different commodity inspected and for each different service rendered on each such commodity under the provisions of this Act, shall be fixed as nearly as possible with references to the cost of the establishment and maintenance of such service for such particular commodity, and may be different in the case of each different commodity and in the case of each different service rendered on each such commodity, but shall in no case exceed the sum of one-half cent for each container of one-half bushel capacity or less, and one cent for each container of more than one-half bushel capacity for inspection service performed in a regular packing house

operating under a duly issued permit. Any regular grading service performed outside of a packing shed shall be for an amount sufficient to cover the actual cost of inspection in accordance with the discretion exercised by the Commissioner of Agriculture. The amount of such fees on the different commodities and for the different services rendered under the provisions of this Act shall be determined as nearly as may be to the end that the inspection service provided by this Act shall pay for itself out of the annual aggregate amount of such fees collected under the provisions of this Act, together with any appropriations made for the operations of this service, and any other sum properly credited to said service. Such fees shall be paid by the person, firm, corporation, association, or other organization making the shipment at the time such service is rendered. No person employed by the Commissioner shall charge or collect any fees other than the fees in such amounts as shall be authorized and established by the Commissioner of Agriculture.

Disposition of Funds.

Sec. 13. There is hereby created a special fund to be known as the "Citrus Grading Fund" which shall be a continuing fund. All fees and other moneys collected under the authority of the provisions of this Act shall be turned over to the Commissioner of Agriculture of the State of Texas and by him deposited with the State Treasurer and credited to said fund. The Commissioner is hereby authorized and empowered to use the moneys in said fund in defraying the expenses arising out of the establishment and maintenance of the inspection service provided by this Act and for no other purpose whatsoever. Warrants in payment for inspection service provided for in this Act shall be drawn upon the State Treasury and charged against this fund.

At the beginning of each new shipping season, the Commissioner of Agriculture shall take into account the surplus remaining in said citrus grading fund at the end of the preceding season, in making reductions of inspection fees where possible.

Deceptive Pack.

Sec. 14. It shall be unlawful to prepare, deliver, for shipment, load, ship, transport, offer for sale or sell for shipment a deceptive pack, load, arrangement of display of citrus fruits within the meaning of this Act, or to mis-label any container or display of such citrus fruits. A deceptive pack or load is hereby defined as one which is so arranged to conceal the true grade of the citrus fruit within the package or to mis-represent the contents.

Sale Without Grading by Grower Permitted.

Sec. 15. No provision of this Act shall be construed to prevent a grower of citrus fruits within the area affected by this Act from selling or delivering the same unpacked and unmarked, or selling his crop in bulk, or any part thereof, or to a packer for grading, packing or storage within said area. Nor shall any provision of this Act prevent a grower or packer from manufacturing the same into any by-product or from selling the same unpacked or unmarked to any person actually engaged in the operation of a commercial by-products factory for the sole and express purpose of being used in the said area for the manufacture of a by-product for resale. The terms of this Act shall not be applied to any number of containers less than six (6), such a number is regarded as non-commercial and not subject to provisions of this Act.

Registration and Use of Brands and/or Trade-marks.

Sec. 16. All fruits packed and offered for shipment under the provisions of this Act shall be marked showing the proper official grade of the fruit in each container or same may be labeled or stamped with a registered brand or trade-mark. Brands or trade-marks to be eligible for registration must be defined by the minimum requirements of one and/or a combination of the official grades designated herein. Such brands or trade-marks and their definitions under the U. S. Grades shall be registered with the Commissioner of Agriculture, of the State of Texas. No brands or trade-

marks shall be eligible for registration under the terms of this Act which do not meet the minimum requirements of at least U. S. No. 2, or classifications of this grade.

Responsibility of Carriers.

Sec. 17. It shall be unlawful for any shipper, forwarding company, private, contract, or common carrier to ship, transport or accept for shipment any citrus fruit within the meaning of this Act, unless accompanied by a duly issued certificate of inspection as set out in the provisions of this Act, and any such shipper, forwarding company, private, contract, or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or hold at the expense and risk of the latter, all citrus fruits which upon inspection, are found to be delivered for shipment in violation of any of the provisions of this Act.

Commodities Designated Under this Act.

Sec. 18. From and after the effective date of this Act no person, firm, corporation, association or other organization within the area where this Act applies, namely the citrus zone as described in House Bill 553, Chapter 350, of the Acts of the Regular Session Forty-second Legislature of the State of Texas, shall pack for sale, consign for sale, or sell in straight or mixed commercial quantities, that is more than five (5) containers, unless such citrus fruits conform with the provisions of this Act as to minimum grades or classifications as specified in this Act, and with such additional grades, grading rules or regulations applicable thereto as may have theretofore been promulgated by the Commissioner previous to this Act and unless such fruits have been duly inspected as provided in this Act.

Citrus fruit shipped into the State of Texas from any other state or territory shall comply with the grading, packing and marking regulation which this Act provides for citrus fruit originating in this State.

Sec. 19. Under the terms of this Act all citrus fruit sold by weight

prior to packing, to any buyer or shipper, shall be weighed by a duly elected or appointed public weigher, who shall be governed in his rights and duties and by the Statutes of the State of Texas covering public weighers as set out in the 1925 Revised Civil Statutes of the State of Texas, Title 93, Chapter 6, Articles 5680, and any amendments thereto.

Penalty For Violations.

Sec. 20. Any person, firm, corporation, association or other organization which violates any provisions of this Act or wilfully interferes with the Commissioner, his agent, inspectors or employees, in the performances or on account of the execution of his or their duties as provided by this Act shall be deemed guilty of a misdemeanor. Any person convicted under this Act shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court.

Sec. 21. If any section, word, phrase or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby.

Sec. 22. The fact that the citrus growers and shippers in the citrus zone of the State of Texas will suffer heavy losses unless efficient provision is promptly made for inspection, grading, marking, and weighing of citrus fruit shipped from said zone during the next shipping season creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this Act take effect and be in force from and after its passage and it is so enacted.

Read and adopted by the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.

Sanderford.	Woodruff.
Small.	Woodul.
Stone.	Woodward.

Nays—4.

Collie.	Murphy.
DeBerry.	Rawlings.

Absent.

Hopkins.	Purl.
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Absent—Excused.

Cousins.

S. C. R. No. 78.

Senator Small sent up the following resolution:

Whereas, S. B. No. 203, which has been signed by the Governor and now in the office of the Secretary of State, was passed in the Senate on March 28, 1933, by a vote of 24 yeas, and 7 nays; and

Whereas, An error was made in enrolling said bill, and the certificate thereon, which caused said bill to show it was passed by a vote of 20 yeas and 8 nays; and

Whereas, Said bill is entitled to go into immediate effect, there being a real emergency for the passage of said bill; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be authorized and directed to correct the error in said enrolled bill, so as to make same speak the truth by showing that said bill was passed with an affirmative vote of 24 yeas, and 7 nays.

SMALL.

The resolution was read and adopted.

Senate Bill No. 163.

The question recurred upon the pending amendment to Committee Amendment No. 2 to S. B. No. 163.

Senator DeBerry sent up the following substitute for the amendment to the amendment:

Amend Fellbaum's amendment to S. B. No. 163, by substituting the following: Strike out last line of salary schedule as shown in Committee Amendment No. 2, and insert in lieu thereof the following:

10,000 to 40,000.....\$2,660.00
40,000 or more.....\$3,800.00

DeBERRY.

Read and adopted.

The amendment to the amendment as substituted was adopted.

Senator Neal sent up the following amendment to Committee Amendment No. 2:

Amend Committee Amendment No. 2 by striking out in line 38, page 2, the figures "\$1805.00" and inserting in lieu thereof the figures "\$1850.00."

NEAL.

Read and adopted.

Committee Amendment No. 2 as amended was adopted.

The bill was passed to engrossment.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 163 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.

Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.
Small.	

Absent—Excused.

Cousins. Hopkins.

Senator Excused.

Senator Hopkins was excused for the afternoon on account of important business, on motion of Senator Patton.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 99, Requesting the Adjutant General of the State of Texas to appointment of two Texas Rangers to serve as attendants at the Texas exhibit in the World's Fair at Chicago.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Conference Committee Report.

Senator Redditt sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House of Representatives and the Senate on S. B. No. 472, have had the same under consideration, and recommend that said bill pass in the form attached hereto, and that our said report be adopted.

**HOLBROOK,
WOODRUFF,
REDDITT,
DUGGAN,
HOPKINS,**

**On part of the Senate.
HARMAN,**

**GOOD,
DUNLAP,**

On part of the House.

By Holbrook.

S. B. No. 472.

A BILL
To Be Entitled

An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1933, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students; and fixing the amount of admission, matriculation and tuition fees for said institutions, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The several sums of money named herein, or so much thereof as may be necessary, are hereby appropriated for the support and maintenance of summer schools at each of the institutions indicated during the summer of the year 1933, as follows:

University of Texas.....	\$ 40,000.00
Texas Agricultural and Mechanical College	8,450.00
John Tarleton Agricultural College	5,600.00
North Texas Agricultural College, Junior.....	2,740.00
Prairie View State Normal and Industrial College	2,000.00
College of Industrial Arts	10,000.00
Texas College of Arts and Industries	7,370.00
Texas Technological College	16,060.00
East Texas State Teachers College	26,740.00
North Texas State Teachers College	30,790.00
Sam Houston State Teachers College	14,820.00
Southwest Texas State Teachers College	21,460.00
Stephen F. Austin State Teachers College	12,510.00
Sul Ross State Teachers College	6,770.00
West Texas State Teachers College	11,110.00
College of Mines and Metallurgy	5,330.00
Total.....	\$221,750.00

Sec. 2. Each of the institutions named in Section 1 of this Act is hereby authorized to expend for the support and maintenance of summer schools at said institutions, in addition to the amounts appropriated herein, an additional amount from fees equal to ten (\$10.00) dollars per student per six weeks' term or the equivalent of six weeks term, plus all laboratory fees collected from said students.

Sec. 3. Each of the institutions named in Section 1 of this Act is hereby authorized to charge and collect for summer school matriculation or tuition fees the sum of ten (\$10.00) dollars per six weeks' term or equivalent of six weeks' term, and said amounts so charged and collected are hereby appropriated for the support and maintenance of said summer school.

Sec. 4. The admission, matriculation or tuition fees for the summer school sessions for each of the aforesaid institutions is hereby fixed at the sum of ten (\$10.00) dollars per student per six weeks' term or the equivalent of a six weeks' term, and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 5. The fact that no provision has been made previously for summer schools at the institutions named in this Act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Senator Purl moved that the report be printed in the Journal before final action was taken.

Senator Holbrook moved to table the motion to print. The motion to table prevailed by the following vote:

Yeas—22.

Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.

Sanderford.	Woodruff.
Small.	Woodul.
Stone.	Woodward.

Nays—6.

Beck.	Oneal.
Collie.	Poage.
DeBerry.	Purl.

Absent.

Blackert.

Absent—Excused.

Cousins. Hopkins.

The report was adopted by the following vote:

Yeas—27.

Beck.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—1.

Collie.

Absent.

Blackert.

Absent—Excused.

Cousins. Hopkins.

Resolution Referred.

H. C. R. No. 99 referred to Committee on Military Affairs.

Senator Moore Appointed on Committee.

The Chair announced the appointment of Senator Moore as a member of the Free Conference Committee on S. B. No. 412 to succeed Senator Woodward, resigned.

Senate Bill No. 206.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Neal, by request:

S. B. No. 206, A bill to be entitled "An Act authorizing a minor to sue

its father and a wife to sue her husband for necessities; defining necessities; regulating such suits; dispensing with security or bond by the plaintiff in such action or suit or the appeal thereof; fixing venue; repealing all laws and parts of law in conflict, and declaring an emergency."

Read second time and failed to pass to engrossment.

Senate Bill No. 181.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Fellbaum:

S. B. No. 181, A bill to be entitled "An Act amending Article 307 of the Revised Statutes of 1925, so as to provide that the Supreme Court shall admit to the practice of law only such persons who have successfully passed an examination given under the supervision of the Board of Law Examiners and which the Board of Law Examiners shall recommend for license to practice law, and declaring an emergency."

The bill was read second time.

The committee amendment was read.

Senator Fellbaum sent up the following substitute for the committee amendment:

Amend S. B. No. 181 by adding a new section to be numbered Section 1a to read as follows:

"Section 1a. This Act shall not become effective nor be in force until July 1, 1934."

FELLBAUM.

Read and adopted.

The amendment as substituted was adopted.

Senator Stone sent up the following amendment:

Amend by adding as follows:

Provided this section shall not apply to graduates of the Law School of the University of Texas.

STONE.

The amendment was read.

Senator Poage sent up the following substitute for the amendment:

"Nothing herein contained shall apply to the graduates of the law school of any regularly chartered non-profit university in this State which law school shall have complied

with all of the requirements of the Supreme Court of this State."

POAGE,
PURL.

The substitute was read.

Senator Woodruff sent up the following amendment to the substitute:

Amend Poage amendment by adding at the proper place the following:

"And which university has an enrollment of 500 or more students pursuing a course of study in some other branch, such as arts, belles lettres, medicine and business administration."

WOODRUFF.

Read and adopted.

The substitute as amended was adopted.

Senator Fellbaum moved to table the amendment as substituted. The motion prevailed by the following vote:

Yeas—15.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Parr.
Fellbaum.	Rawlings.
Greer.	Redditt.
Martin.	Russek.
Murphy.	Woodward.
Neal.	

Nays—13.

Blackert.	Purl.
Duggan.	Regan.
Holbrook.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Patton.	Woodruff.
Poage.	

Absent.

Woodul.

Absent—Excused.

Cousins. Hopkins.

Senator Purl moved that further consideration of the bill be postponed indefinitely.

Senator Woodruff moved to table the motion. The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Fellbaum.
Blackert.	Greer.
Collie.	Holbrook.

Hornsby.
Martin.
Murphy.
Neal.
Oneal.
Pace.

Parr.
Poage.
Redditt.
Stone.
Woodruff.
Woodward.

Nays—7.

DeBerry.
Duggan.
Moore.
Purl.

Regan.
Sanderford.
Small.

Absent.

Patton.
Rawlings.

Russek.
Woodul.

Absent—Excused.

Cousins.

Hopkins.

The bill was passed to engrossment.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 181 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—2.

Martin.

Moore.

Absent—Excused.

Cousins.

Hopkins.

Read third time and finally passed.

Senate Bill No. 539.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senators Patton and Murphy:
S. B. No. 539, A bill to be entitled
"An Act providing that the Texas
Prison Board shall have the power

to insure the officers and employees of the Texas Prison System against liability to third persons arising from and out of the use and operation of automobiles, motor trucks and other motor vehicles used by the Texas Prison System for purposes legitimately connected with the operation of the Texas Prison System; validating policies heretofore subscribed by the Texas Prison Board for such purposes; and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 539 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Purl.

Absent—Excused.

Cousins. Hopkins.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

DeBerry.

Purl.

Absent—Excused.

Cousins.

Hopkins.

House Bill No. 361.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. Renfro:

H. B. No. 361, A bill to be entitled "An Act to amend Section 13, of Chapter 280, of the General Laws of the Forty-first Legislature of Texas, Regular Session, relating to water control and improvement districts. This Act will in nowise change the provisions of Section 13, but does propose to insert therein, immediately after subdivision 2 thereof, a paragraph to be subdivision (3) of said section, and to provide that: In case such a district has not completed its works in accordance with its plan for improvements; has not money from other sources adequate to complete its works as planned, but has acquired property or lands found not to be reasonably required to carry out the plans, the proceeds of the sale of such property or land may be applied to the completion of the works contemplated by the district's plans for improvements. Also declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 361 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on S. B. No. 262 by a vote of 103 yeas and 21 nays.

The House has adopted the following resolution:

H. C. R. No. 100, Authorizing the Enrolling Clerk of the Senate to make certain corrections in S. B. No. 262.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 923 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Pope, Morse, Lotief, Head and Colson.

The House refused to concur in Senate amendments to H. B. No. 867, and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are conferees on the part of the House:

Englehard, Jones of Atascosa, Burns, Dean and Good.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 100.

The Chair laid before the Senate:
H. C. R. No. 100, Authorizing correction of S. B. No. 262.

Read and adopted.

Senate Bill No. 562.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Duggan:

S. B. No. 562, A bill to be entitled "An Act to amend Acts 1929, Forty-first Legislature, Second Called Session, page 72, Chapter 42, as amended by Acts 1931, Forty-second Legislature, page 507, Chapter 282, so as to require that all commercial motor vehicles and motor busses above a certain weight-carrying capacity when stopped upon the public highways at night shall place warning signals; providing a penalty for violation; and declaring an emergency."

Read second time.

Senator Duggan sent up the following amendment:

Amend S. B. No. 562, Section 9A, line 24, by striking out the word "fifteen (15)" and inserting in lieu thereof "five (5)."

DUGGAN.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Duggan the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 562 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.

Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Cousins. Hopkins.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

Senate Bill No. 571.

The Chair laid before the Senate
by unanimous consent the following
bill:

Ry Senator Woodward:

S B. No. 571, A bill to be entitled
"An Act relating to abolition of cor-
porate existence of cities and towns,
etc., and declaring an emergency."

The rule requiring committee re-
ports to lie over one day was sus-
pended by unanimous consent.

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

On motion of Senator Woodward
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 571 was
put on its second reading by the
following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

The bill was read second time and
passed to engrossment.

On motion of Senator Woodward
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 571 was
put on its third reading and final
passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.

Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.
Russek.	

Absent—Excused.

Cousins.	Hopkins.
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Conferees Appointed.

The Chair announced the appointment of the following Senate conferees on H. B. No. 867:

Fellbaum, Poage, Blackert, Hornsby and Oneal.

Senate Bill No. 514.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Martin:

S. B. No. 514, A bill to be entitled "An Act to prohibit the taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel-traps for taking fur-bearing animals in certain counties, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 514 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Hopkins.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Hopkins.
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H. C. R. No. 99.

Senator Woodruff received unanimous consent to take up out of its regular order:

H. C. R. No. 99, Relative to selection of two Texas Rangers to represent the State at the World Fair.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was read and adopted.

Senate Bill No. 216.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 216, A bill to be entitled "An Act authorizing defendants in felony cases less than capital offenses, with the consent and approval of the Court, to waive the right of trial by jury and to be tried by the Court; amending Articles 10a, 11, 12, 658 and 776a of the Code of Criminal Procedure of the State of Texas as amended by the Acts of 1931 by Forty-second Legislature, pages 65 and 66, Chapter 43, so as to make them conform to such right; and to permit the court under certain conditions and in certain cases to suspend the sentence of the defendant; providing that when a defendant who is eligible to apply for a suspended sentence has no attor-

ney, the court may appoint an attorney to represent him; providing that if any parts of this Act are held invalid, it shall not affect other provisions; repealing all laws in conflict herewith, and declaring an emergency."

Read second time.

Committee Amendments Nos. 1, 2 and 3 were adopted.

The bill was passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 216 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—1.

Oneal.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—19.

Blackert.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Small.
Neal.	Stone.
Pace.	

Nays—9.

Beck.	Sanderford.
DeBerry.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Purl.	

Absent.

Holbrook.

Absent—Excused.

Cousins.

Hopkins.

Reason for Vote.

I voted no on this measure for the reason that while it favors a general proposition permitting defendants to plead not guilty and waiving a jury and risking their freedom on the judgment and mercy of a district judge. But after serving as a member of the Senate Fee Investigating Committee, I am forced to the opinion that while our district judges are honest and fairly capable, many of them sad to relate are weak and vacillating, and are elected through the political influence of lawyers who represent criminals. I am therefore unwilling to place this power at this time in the hands of the district judges, most of whom would measure up to the highest expectation but a considerable number I fear might cause this law to be abused, I therefore vote no.

PURL.

S. C. R. No. 79.

Senator Pace sent up the following resolution:

Whereas, The President of the United States, in a laudable and necessary attempt to maintain the credit of the United States requested specific authority from the Congress to curtail veterans expenditures, and

Whereas, Such authority was given by Congress and regulations were issued by the President with the expressed intent to remove from the rolls those veterans with non-service incurred disabilities and all other veterans, the study of whose individual cases show that they are not rightfully entitled to benefits, but it was the purpose of Congress and the President to continue on the rolls and treat fairly and equitably all disabled veterans, and their dependents, who, by reason of service connected disabilities, through injury or disease, are incapacitated, wholly or partially, and

Whereas, Instructions issued by Administrator of Veterans Affairs under Public No. 2 as to service connected disabilities apparently go far

beyond Congressional and Presidential intent, and

Whereas, These instructions, if continued in effect, will result in great injustice and untold misery to these disabled veterans and their dependents with service connected disabilities and will further burden this great State and our communities and force them to assume a just and acknowledged obligation of the Federal Government. Therefore, be it

Resolved, That the Senate of the Forty-third Legislature of the State of Texas, the House of Representatives concurring, in Regular Session at Austin, Texas, Does hereby urge the President of the United States to initiate immediate action to correct all injustices done any veterans with service connected disabilities; be it further

Resolved, That a copy of this resolution, with the Seal of the State of Texas thereon, be mailed the President, the Vice President, the Speaker of the House and each member of Congress from the State of Texas.

PAGE,	WOODRUFF,
BECK,	PURL,
SANDERFORD,	DeBERRY,
REGAN,	MURPHY,
REDDITT,	RUSSEK,
POAGE,	BLACKERT,
GREER,	WOODUL.

The resolution was read.

The rule requiring resolutions to be referred before consideration was suspended by unanimous consent.

The resolution was adopted.

H. C. R. No. 100.

On motion of Senator Oneal, the vote by which H. C. R. No. 100 was adopted was reconsidered.

Senator Oneal sent up the following amendment:

Amend House Concurrent Resolution No. 100 by adding after the word "page" in the fourth line of the resolution the words "and in lines 26 and 27 and in line 31 of page six."

ONEAL.

Read and adopted.

The resolution was adopted.

Senate Bill No. 48.

Senator Moore asked unanimous consent to take up out of its regular order S. B. No. 48.

Objection was heard.

Senator Moore moved to suspend the regular order of business and take up S. B. No. 48.

The motion prevailed by the following vote:

Yeas—16.

Collie.	Neal.
DeBerry.	Pace.
Fellbaum.	Parr.
Greer.	Poage.
Hornsby.	Purl.
Martin.	Regan.
Moore.	Russek.
Murphy.	Woodward.

Nays—8.

Beck.	Sanderford.
Duggan.	Stone.
Oneal.	Woodruff.
Rawlings.	Woodul.

Absent.

Blackert.	Patton.
Holbrook.	Redditt.

Absent—Excused.

Cousins.	Small.
Hopkins.	

On motion of Senator Moore, the bill was laid on the table subject to call.

Senate Bill No. 543.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Murphy:

S. B. No. 543, A bill to be entitled "An Act providing that the Comptroller of Public Accounts shall not issue any warrant for the payment of the available school funds or rural aid or vocational educational funds, to or for the benefit of any school district or city or town which has assumed the control of its public schools, when the interest and/or principal on any bonds owed by such school district and/or city or town belonging to the permanent school fund remain unpaid for a period of two years, and providing that such warrant shall not issue when any such school district and/or city or town prefers the claim of any other bond holder to the claims of the State Permanent School Funds; providing that no default shall be

deemed to exist if proper refunding bonds have been approved by the State Board of Education; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 543 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Hopkins.

House Bills Referred.

H. B. No. 949, referred to Committee on State Affairs.

H. B. No. 176, referred to Committee on Finance.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 70 by a vote of 86 yeas and 44 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on H. B. No. 442 by a vote of 117 yeas and 2 nays.

The House refused to concur in Senate amendments to House Bill No. 928, and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on the part of the House:

Shannon, Ford, Moffett, Bourne, and Morse.

The House has adopted the conference committee report on Senate Bill No. 472 by a vote of 105 yeas and 17 nays.

The House has passed the following bills:

H. B. No. 176, A bill to be entitled "An Act making an appropriation to reimburse persons, firms and corporations for losses sustained during the years of 1929 through 1932 by reason of the establishment by the State of Texas of regulated and restricted zones in certain areas of the State requiring such persons, firms and corporations to pay money for the sterilization of seed and the fumigation of cotton, etc., and declaring an emergency."

H. B. No. 949, A bill to be entitled "An Act amending Article 7105, Revised Civil Statutes, 1925, and the amendment thereto contained in Section 12, of H. B. No. 154, Acts of the Forty-third Legislature, and Articles 7107 and 7111, Revised Civil Statutes, 1925, so as to include within the provisions of said Articles, which impose intangible assets

tax upon certain persons, associations, and corporations, oil pipeline companies, gas pipeline companies, and common carrier pipeline companies of every character whatsoever engaged in the transportation of oil and/or gas, doing business wholly or in part within this State, and every other individual, company, corporation, association, or firm doing business of the same character in this State, and declaring an emergency."

The House has adopted the conference committee report on H. B. No. 623, by a vote of 114 yeas and 4 nays.

The House has adopted the conference committee report on S. B. No. 551, by a vote of 117 yeas and 3 nays.

The House has adopted the conference committee report on H. B. No. 303, by a vote of 110 yeas and 2 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 370.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Patton:

S. B. No. 370, A bill to be entitled "An Act to promote public health, safety, morals and general welfare by providing for the construction and supervision of safe and sanitary housing for families of low income, and for the sale or rental thereof on reasonable terms; authorizing the incorporation of limited dividend housing companies and prescribing the powers, rights and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising and regulating such activities, prescribing and defining the powers and duties of the Board, including supervisory and regulatory powers over limited dividend housing companies engaged in such activities, authorizing the Board to fix within certain limits the rentals or purchase price of housing accommodations furnished by limited dividend housing companies."

Read second time.

Senator Woodul sent up the following amendment:

Amend Sections 3 and 4 of H. B. No. 370 to read as follows:

Sec. 3. There is hereby created a State Board of Housing of the State of Texas. The Texas Rehabilitation and Relief Commission is hereby designated as the State Housing Board of the State of Texas, and shall perform all duties imposed by the Legislature as hereinafter provided; and in so far as its responsibilities and duties have to do with the State Housing Law the Texas Rehabilitation and Relief Commission shall continue to exist as the State Housing Board until its duties and obligations shall have ceased to exist.

Sec. 4. Definition: The term Board as used in this Act shall mean the Texas Rehabilitation and Relief Commission.

WOODUL.

The amendment was read.

On motion of Senator Woodul, the bill was laid on the table subject to call.

Conferees Appointed.

The Chair announced the appointment of the following conferees on the part of the Senate on H. B. No. 928:

Rawlings, Regan, Stone, Duggan, and Sanderford.

House Bill No. 771.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. Wagstaff, Mr. Townsend, and Mr. Haag:

H. B. No. 771, A bill to be entitled "An Act providing for the creation of the Texas Canyon State Park; withdrawing certain public school lands in Brewster and Presidio Counties, Texas, from sale; providing for conveyance of said land to the State of Texas for park purposes; valuing same, and making an appropriation out of the General Revenue for payment of the Permanent School Fund of Texas for consideration of such transfer; providing that said Texas Canyon State Park shall be under supervision and control of said Texas Parks Board, and declaring an emergency."

Read second time.

Senator Regan sent up the following amendment:

Amend H. B. No. 771 on page 2, lines 2 and 3, by striking out the words and figures "one thousand two hundred fifty (\$1,250.00) dollars," and inserting in lieu thereof the words and figures "one thousand (\$1,000.00) dollars."

REGAN.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 771, was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Patton.
Collie.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—2.

Blackert. DeBerry.

Absent.

Hopkins.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Patton.
Collie.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—3.

Blackert. Murphy.
DeBerry.

Absent—Excused.

Cousins. Hopkins.

Senate Bill No. 142.

Senator Greer called up from the table the following bill:

By Senator Greer:

S. B. No. 142, A bill to be entitled "An Act to amend Section 8, Chapter 10, Acts of the Forty-first Legislature, Second Called Session, relating to the duties of the State Board of Education pertaining to teachers' certificates protecting rights of teachers holding certificates under existing law; repealing all laws in conflict herewith, and declaring an emergency."

The bill was finally passed by the following vote:

Yeas—18.

Collie.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Murphy.	Regan.
Neal.	Russek.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Nays—6.

Blackert. Moore.
DeBerry. Sanderford.
Hornsby. Stone.

Present—Not Voting.

Martin.

Absent.

Beck.	Oneal.
Holbrook.	Small.

Absent—Excused.

Cousins. Hopkins.

Senate Bill No. 214.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Purl:

S. B. No. 214, A bill to be entitled "An Act amending Article 4891 of

the Revised Civil Statutes of 1925, as amended by the Acts of the First Called Session of the Forty-first Legislature, Chapter 37, page 84, so as to provide for the use of co-insurance clauses in lightning, windstorm, tornado or hail insurance without limitation or restriction except such as may be approved by the Board of Insurance Commissioners."

Read second time and passed to engrossment by the following vote:

Yeas—12.

Duggan.	Parr.
Greer.	Patton.
Hornsby.	Poage.
Moore.	Purl.
Murphy.	Regan.
Neal.	Woodward.

Nays—10.

Blackert.	Pace.
Collie.	Rawlings.
DeBerry.	Russek.
Fellbaum.	Sanderford.
Martin.	Stone.

Absent.

Beck.	Small.
Holbrook.	Woodruff.
Redditt.	Woodul.
Oneal.	

Absent—Excused.

Cousins.	Hopkins.
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On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 214 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent.

DeBerry.	Holbrook.
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Absent—Excused.

Cousins.	Hopkins.
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Read third time and finally passed by the following vote:

Yeas—17.

Blackert.	Parr.
Duggan.	Patton.
Greer.	Poage.
Hornsby.	Purl.
Martin.	Regan.
Moore.	Russek.
Murphy.	Stone.
Neal.	Woodward.
Oneal.	

Nays—6.

Collie.	Pace.
DeBerry.	Rawlings.
Fellbaum.	Sanderford.

Absent.

Beck.	Woodruff.
Holbrook.	Woodul.
Redditt.	

Absent—Excused.

Cousins.	Small.
Hopkins.	

S. C. R. No. 76.

Senator Pace received unanimous consent to take up:

S. C. R. No. 76, Granting Fred Childs permission to sue the State.
Read and adopted.

House Bill No. 464.

The Chair laid before the Senate as special order, the following bill:

By Mr. Graves:

H. B. No. 464, A bill to be entitled "An Act to simplify the operations of the Executive Department of the State Government by abolishing certain offices, boards, departments, commissions, and institutions; creating others; redistributing the powers, duties, and functions of the Executive Department among such offices, boards, commissions and departments as are herein created or hereby retained; defining such powers, duties, and functions and co-ordinating them; fixing terms of office, methods of appointment and election, duties, and qualifications of offices and positions, and providing the methods of fixing the compensation thereof; repealing all laws and

parts of laws in conflict herewith, and for other purposes."

Read second time.

Recess.

On motion of Senator Moore, the Senate, at 5:58 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 429 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 571 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 338 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 567 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 535 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 200 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 53 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 616, A bill to be entitled "An Act amending Article 7047 of the Revised Civil Statutes, 1925, by repealing H. B. No. 102 as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing S. B. No. 127, 'regulating and providing for supervision of emigrant agents,' passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 202, A bill to be entitled "An Act to empower and require the commissioners courts of the various counties to require bonds of county and district officials who are required by law to receive funds to be held in trust as a part of their official duties; providing the com-

missioners court may require any county or district officer to make and file such additional bond or bonds as deemed necessary for protection of the county; etc; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to whom was referred

S. S. R. No. 110, Relating to Texas flags now hanging in the Senate Chamber.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 528, Being an Act providing relief for the Flat Creek Common School District of Henderson County, Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 324, Being an Act appropriating the sum of \$12,250.00, for expenses of investigation, preparation and prosecution of suit against the State of New Mexico for wrongful and inequitable diversion of the waters of the Pecos River.

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 666, Being an Act making an appropriation of \$1500.00 for the relief of the Agricultural and Mechanical College Substation No. 3, located in Brazoria County, Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 571, A bill to be entitled "An Act to amend Articles 1257 and 1259 of the Revised Civil Statutes of 1925, relating to abolition of corporate existence of cities and towns, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 76.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mil-

itary Affairs, to whom was referred S. C. R. No. 68,

Whereas, Under the regulations made by the President of the United States, Veterans of the Spanish American War and their widows and other dependents have been denied benefits heretofore accorded them by the Government on account of service connected disabilities resulting on account of their participation in said war; and

Whereas, By reason of the long lapse of time since said war in many instances it is now impossible for such veterans to produce proof of the connection of their disabilities with their service, and the enforcement of said regulations aforesaid will therefore work great injustice; Therefore, Be It

Resolved By the Senate of Texas, the House concurring, That the President of the United States and the Congress be, and they are hereby, requested to liberalize said regulations so as to prevent the aforesaid injustices and the placing of said veterans and their dependents on public charity and bringing them and their dependents into positions of great humiliation and embarrassment; and

That a copy of this resolution be sent to the President of the United States and to every Texas member of the Congress of the United States.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 565, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than 3800 square miles and not less than 3600 square miles and a population of not less than 9800 and not more than 12,000, according to the 1930 Federal census, authorizing them to condemn land for school purposes, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred H. C. R. No. 99, by Hyder, et al., "Whereas, The Chicago World's Fair Commission and the Texas World's Fair Commission have both requested the appointment of two Texas Rangers to serve as attendants at the Texas exhibit in the World's Fair at Chicago; and

"Whereas, It is fitting that the State choose for its representatives two Rangers characteristic of that historic group of officers of Texas and characteristic of the continued efficiency of that organization; and

"Whereas, It is desirable that the official sanction of the State be placed upon the selection of these representatives; be it

"Resolved by the House of Representatives, the Senate concurring, That the Adjutant General of this State be requested to select two special Rangers in accordance with this resolution to represent the State at the World's Fair, to act as attendants to the exhibit of this State and to exemplify the rare personality which characterizes the history of the Ranger Force and the State of Texas, provided same can be arranged without expense to the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred S. R. No. 90.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 14, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 23, Acts of the Third Called Session, Forty-first Legislature, as amended by Chapter 32, Acts of the Second Called Session, Forty-second Legislature, relating to ascertaining tax rate, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 570, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, in the sum of \$1,500.00."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 80, Granting the Lee Moore Contracting Company, a corporation of El Paso, Texas, permission to bring suit against the State of Texas and the State Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 569, A bill to be entitled "An Act making an appropriation of \$6,000.00 for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 568, A bill to be entitled "An Act amending Subdivision 31 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 6, Acts of the Regular Session of the Forty-first Legislature, providing for changing and prescribing times of holding court in the 31st Judicial District of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 950, A bill to be entitled "An Act prohibiting certain practices in the production of oil and gas within this State; defining the terms 'person,' 'governmental agent,' 'governmental agency,' and 'oil property,' etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 689, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 920, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in San Augustine and Sabine Counties, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 23, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 498, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe, fawn, or pheasant, within the limits of the Counties of Montague, Clay, Archer, Wise, Jack and Young, State of Texas, for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 91, A bill to be entitled "An Act fixing the salary of the official shorthand reporter in each judicial district of this State and the official shorthand reporter of any county court, either civil or criminal, in this State, where the compensation of such reporter of such county court or judicial district is not otherwise provided by special law; providing for the manner of payment; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, together with the attached committee amendments, and be not printed.

WOODWARD, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 91 by striking out all of Section 1a.

Committee Amendment No. 2.

Amend House Bill No. 91 by adding at the end of Section 1 the following:

"The salary of the official shorthand reporter in each judicial district in any county of this State with a population in excess of 350,000 according to the last preceding Federal census and which alone constitutes two or more judicial districts, in addition to the compensation of transcript fees as provided by law, shall be three thousand dollars (\$3,000.00) per annum to be paid as the salaries of other court reporters are paid."

Committee Amendment No. 3.

Amend House Bill No. 91, Section 1, line 35 of the printed bill by inserting after the words "salary of," and before the words "in addition to" on line 36, the following:

"Not more than two thousand seven hundred (\$2,700.00) per annum, nor less than two thousand

four hundred dollars per annum, such salary to be fixed and determined by the district or county judge respectively of the court wherein such shorthand reporter is employed."

Committee Amendment No. 4.

Amend House Bill No. 91 by striking out all of Section 2.

Committee Amendment No. 5.

Amend House Bill No. 91 by adding at the end of Section 1 the following:

"It is expressly provided, however, that the provisions of this Act shall not in any way apply to the official shorthand reporter in and for the 25th Judicial District, composed of the counties of Guadalupe, Gonzales, Colorado and Lavaca, nor shall this Act repeal Senate Bill 133, Regular Session Forty-third Legislature; nor shall the provisions of this Act apply in any way to the official shorthand reporters in and for any judicial district court of Bexar County, civil or criminal, nor shall this Act repeal Senate Bill No. 315, Regular Session Forty-third Legislature; nor shall the provisions of this Act apply to any official shorthand reporter in and for the 22nd Judicial District of Texas composed of the counties of Comal, Hays, Caldwell, Fayette and Austin."

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 134, A bill to be entitled "An Act to amend Section 15, Article 7047 of the Revised Civil Statutes of 1925, defining money lenders and fixing an annual tax of one hundred and fifty dollars (\$150.00) for each place of business, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments attached hereto, and be printed.

HOPKINS, Chairman.

Amendment No. 1.

Amend House Bill No. 134 by striking out all below the enacting

clause and inserting in lieu thereof the following:

Section 1. That Article 7047, Chapter 1, Title 122 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 212, Acts of the Regular Session, Forty-second Legislature be and the same is hereby amended by adding thereto two new subdivisions to be known as Subdivision 15a and 23a to read respectively as follows:

Subdivision 15a. Money Lenders. Money Lenders as hereinafter defined, an annual tax of one hundred and fifty (\$150.00) dollars for each place of business. A money lender, for the purpose of this section, is a person, firm or corporation or agent or agents for, or any one representing a person or persons, firm or corporation who regularly pursues the business of lending money with or without security, and charges or receives therefor, a fee, brokerage or other charge of any kind whatsoever, provided, this tax shall not apply to persons, firms, associations or corporations, who lend money on or incident to real estate nor shall this tax apply to banks or banking institutions and life insurance companies regularly organized as such. It shall be unlawful to pursue or follow the occupation of money lending, as defined herein without having plainly visible in such place of business the tax receipt covering such occupation for the current year for which same is issued.

Subdivision 23a. Coin Operated Vending Machines. From every owner, manager or exhibitor of every coin operated phonograph, electrical piano, electrical batter, graphophone, weighing machines, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track stereoscopic machine, gum machine, candy machine, cigarette machine, handkerchief machine, sandwich machine or any other class or kind of machine, whether enumerated or not, where a fee is charged, which is used for the purpose of amusement, entertainment or for vending commodities, merchandise, confections or service of any kind and which is operated by coins or metal slugs or tokens similar to coins, where such fee is in excess of five (5) cents, an annual tax of ten dollars (\$10.00)

on each machine; where such fee is five (5) cents, an annual tax of five dollars (\$5.00) on each machine and where such fee is one (1) cent, an annual occupation tax of one (\$1.00) dollar for each machine; provided that from every owner, manager or exhibitor of every coin operated marble machine, marble table machine, marble shooting table or marble machine of any description, whether enumerated or not, where a fee is charged whether used for the purpose of amusement, entertainment or for vending commodities, merchandise, confections or services of any kind, and which is operated by coin or metal slugs or tokens similar to coins or metal slugs where such fee is one (1) cent or more, an annual occupation tax of ten dollars (\$10.00) for each machine; provided that the provisions of this subdivision shall not apply to pay telephones, gas meters, pay toilets and drinking cup vending machines which are operated with coins. It shall be unlawful to operate, show or exhibit any of the machines or instruments covered by this subdivision without having annexed or attached thereto where same is plainly visible, the tax receipt covering such machine or instrument for the current year for which same is operated, shown or exhibited.

Sec. 2. Whoever shall pursue or follow the occupation of a money lender or operate or exhibit any machine or instrument for which a tax is required to be paid as provided for herein, without paying the tax for the current year as provided herein or without exhibiting and displaying said tax receipt issued to him shall be guilty of a misdemeanor, and upon conviction fined in any sum not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

Sec. 3. The fact of the crowded condition of the calendar creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the said rule is hereby suspended, and this Act shall take effect and be in full force from and after its final passage, and it is so enacted.

Amendment No. 2.

Amend H. B. No. 134 by striking out all above the enacting clause and insert in lieu thereof the following

A BILL

To Be Entitled

An Act to amend Article 7047, Chapter 1, Title 122, Revised Civil Statutes of Texas, 1925, as amended by Chapter 212, Acts of the Regular Session of the Forty-second Legislature, by adding thereto two new divisions to be known as subdivisions 15a and 23a, defining and imposing an occupation tax on money lenders; providing for certain exceptions; and imposing an occupation tax on coin operated vending machines, marble table machines, and similar devices within the scope of this Act; providing certain exceptions; providing that whoever violates the provisions of this Act shall be guilty of a misdemeanor, and the punishment to be assessed; and declaring an emergency.

Committee Room,

Austin, Texas, May 24, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 283, A bill to be entitled "An Act to amend Sections 2 and 3-2 of an Act passed by the Legislature of Texas, February 26, 1929, H. B. No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass, and be printed.

PURL, Chairman.

C. S. S. B. No. 283.

A BILL

To Be Entitled

An Act to amend Section 2, of an Act passed by the Legislature of Texas, February 26, 1929, H. B. No. 153, relating to title insurance business and the capital stock of corporations doing such a business; regulating the amount of

capital stock of companies which may be invested in abstract plants; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 2 of the Acts of the Forty-first Legislature, Regular Session, passed February 26, 1929, be amended so as to hereafter read as follows:

Sec. 2. All corporations created and/or operating under the provisions of this law must have a paid up capital of not less than one hundred thousand (\$100,000.00) dollars. Any corporation organized hereunder having the right to do a title insurance business may invest as much as fifty per cent (50%) of its capital stock in an abstract plant or plants, provided the valuation to be placed upon such plant or plants shall be approved by the Board of Insurance Commissioners of this State; provided, however, that if such corporation is not doing a trust business as provided in Section 1, Article 4, of the Act hereby amended, and maintains with the Commissioner of Insurance the deposit of \$100,000.00 in securities as provided in Section 6 of the Act hereby amended, such of its capital in excess of fifty per cent (50%) as deemed necessary to its business by its board of directors may be invested in abstract plants; and provided further that no such corporation may hereafter acquire more than one abstract plant in any one county and shall not hereafter acquire any plant in any county in this State having a population of less than ninety thousand (90,000) according to the last preceding Federal census.

Sec. 3. The fact that under the existing law the people dealing with the aforementioned corporations have not had adequate protection, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on High-

ways and Motor Traffic, to whom was referred

S. C. R. No. 74, being a concurrent resolution granting to Browne Land and Cattle Company, et al, permission to maintain a cross action and/or original suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

RAWLINGS, Chairman.

By Parr: S. C. R. No. 74.

Granting to Browne Land and Cattle Company, et al, permission to maintain a cross action and/or original suit against the State of Texas.

Whereas, As a result of a double rendition Browne Land and Cattle Company, et al, did pay to the State of Texas and its subdivisions, taxes from the year 1908 to 1924, inclusive, upon 3040 acres of land, which it did not in fact own, and at the same time the actual owners were paying taxes upon the same and identical land; and

Whereas, By virtue of a duly entered decree and order of the 93rd District Court in a tax suit instituted by the State of Texas and in which said Browne Land and Cattle Company filed and prosecuted a cross action against the State successfully, the county tax collector did refund to said the Brown Land and Cattle Company and to the estate of J. G. Browne, the sum of excess taxes so paid; and

Whereas, The original decree by virtue of which said refund was made, is now being attacked by the State of Texas in the 93rd District Court of Texas, on the ground, among others that the State of Texas had never given its consent to be sued in the original suit; and

Whereas, The defendants in this last said suit, should, in equity, and good conscience, be permitted to maintain their cross-action in said suit against the State of Texas, or in the event of non-suit by said plaintiff, to maintain an independent, new and original suit against the State and its subdivisions, for the purpose of properly determining the

rights and equities, of the respective parties in all matters connected with or growing out of said original suit, and to forever set at rest all matters of controversy in connection therewith; Now, Therefore, Be It

Resolved By the Senate of the State of Texas, the House of Representatives concurring therein, that Browne Land and Cattle Company, a private corporation, estate of J. G. Browne, deceased, F. S. Hofues, S. R. Sinkey, Worth Building and Investment Company, a private corporation, O. E. Jones, individually, and as ex-Tax Collector of Hidalgo County, Texas, and American Indemnity Company, a private corporation, are hereby granted permission to file and/or maintain a cross action in cause No. 8166 now pending in the District Court, of the 93rd Judicial District of Texas, or in the event of non-suit or dismissal of said suit, by the plaintiff, then to institute and

maintain in said court and judicial district their suit against the State of Texas, and said suit upon said cause of action shall be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defenses, as would be applicable to any private litigants.

That if any process be necessary against the State of Texas it may be issued and served upon the Attorney General of the State.

That the prosecuting of said cross action, or original suit, may be begun at any time within one year from this date, and that any cause of action accrued or to accrue in connection with the aforementioned subject matter shall not be barred by limitations until two years after this resolution becomes effective, and not then so long as said suit is pending.

Final Disposition of Bills.

SUPPLEMENT.

Number of Bill	Date Filed	Vote	
		House	Senate
H. B. No. 97.....	May 22, 1933..... 12:00 noon	Yeas 109 Nays 0	Yeas 25 Nays 0
H. B. No. 175.....	May 22, 1933..... 12:00 noon	Yeas 107 Nays 0	Yeas 26 Nays 3
H. B. No. 647.....	May 22, 1933..... 12:00 noon	Yeas 103 Nays 2	Yeas 27 Nays 0
S. B. No. 247.....	May 22, 1933..... 12:00 noon	Passed by viva voce vote	Passed by viva voce vote
S. B. No. 288.....	May 22, 1933..... 12:00 noon	Yeas 88 Nays 20	Yeas 21 Nays 3
S. B. No. 315.....	May 22, 1933..... 12:00 noon	Yeas 103 Nays 0	Yeas 30 Nays 0
S. B. No. 468.....	May 22, 1933..... 12:00 noon	Yeas 93 Nays 19	Yeas 28 Nays 0
S. B. No. 500.....	May 22, 1933..... 12:00 noon	Yeas 108 Nays 6	Yeas 27 Nays 1
S. B. No. 527.....	May 22, 1933..... 12:00 noon	Yeas 117 Nays 0	Yeas 25 Nays 0
Approved by Governor May 19, 1933			
S. B. No. 561.....	May 22, 1933..... 12:00 noon	Yeas 105 Nays 0	Yeas 27 Nays 0

W. W. HEATH, Secretary of State.

In Memory
of
Mr. A. M. Aiken, Sr.

Senate Simple Resolution No. 119.

Senator DeBerry sent up the following resolution:

Whereas, The Supreme Ruler of the Universe has called from labor to rest, Mr. A. M. Aiken, Sr., of Paris, Texas, father of Hon. A. M. Aiken, Jr., member of the House of Representatives from Lamar County; and

Whereas, In the passing of Mr. Aiken, it is noted with regret that another of those pioneers of Northeast Texas who was a factor in building up the social, moral, and religious, and educational welfare of the section of the State in which he lived; and

Whereas, The great affection which the Senate of Texas has for Representative A. M. Aiken, Jr., leads them to join with him in the inexpressible sorrow which is his in the passing of his father; and, while recognizing that no word of consolation from us might assuage his grief we are deeply mindful of his irreparable loss, and extend to him and the members of his family our heartfelt consolation.

Resolved further by the Senate of the State of Texas, That a copy of this resolution be mailed to Representative Aiken, to his mother, and each of his brothers and sisters, and that the Senate when it adjourns today do so in his honor; and that a page of the Senate Journal be set aside in his memory.

DeBERRY.

Read and adopted unanimously by a rising vote.